IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :
THE HON'BLE MR.JUSTICE M.N. KRISHNAN

TUESDAY, THE 20TH NOVEMBER 2007/ 9TH AGRAHAYANA 1929

WP(C).No. 34283 of 2007(F)

E.P. 11/05 in OS 16/00 of Sub Court, Thrissur

PETITIONER:

V.V. Abdul Razak, S/o. Veeran,
Valiakath House, P.O. Thalikulam 680 569,
Chavakkad.

BY ADV. SRI.K.I.SAGEER

RESPONDENT:

The Catholic Syrian Bank Ltd.,
Branch Thalikulam, Chavakkad, represented by
its Manager.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.34283 of 2007

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Dated this the 20th day of November, 2007.

JUDGMENT

This Writ Petition is preferred against the order of the Subordinate Judge, Thrissur whereby the sale of property is ordered to take place on 21.11.2007 in pursuance to the mortgage decree obtained by the Bank. It is seen that on a previous occasion when the sale was posted on 22.8.2007, the judgment debtor has paid Rs.45,000/- and has successfully postponed the sale till 21.11.2007. Notice is given to the decree holder - Bank. The Bank has no serious objection provided the amount is properly paid. It is submitted that it is the residential house of the party which is sought to be put in auction.

2. Therefore, taking into consideration of the facts, I am inclined to grant some breathing time to the petitioner to pay off the liability and dispose of the Writ Petition as follows:

(1) The writ petitioner is directed to pay the balance

amount in four equal monthly instalments and the first instalment shall commence on 19.12.2007.

(2) If the petitioner commits default of payment of first instalment or any other subsequent instalments, he shall lose the benefit conferred under this order.

(3) Since the sale is being adjourned at his request, he will not be entitled to demand fresh proclamation and it stands as waived and therefore the Bank can proceed with the sale on the very same proclamation.

M.N.Krishnan,
Judge.

ess 20/11